

ORDINANCE 1571

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO THE OFFICE OF THE CITY ATTORNEY; AMENDING SECTIONS 2.10.020 AND 2.10.030 OF THE NORTH BEND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on April 3, 2012, the North Bend City Council confirmed the Mayor's appointment of Londi Lindell as North Bend's City Administrator with the specific understanding that she is a licensed attorney in the State of Washington and has previously served in other Washington cities as the duly appointed City Attorney; and

WHEREAS, the Mayor and City Council desired at the time of Ms. Lindell's appointment that the City utilize her legal services in conjunction with those of the appointed City Attorney, and the City has in fact utilized (and continues to utilize) Ms. Lindell's legal services since the time of her appointment; and

WHEREAS, due specifically to the provision of legal services to the City by Ms. Lindell, the City Attorney's contract was re-negotiated at a lower fee to reflect a reduction in services provided by the City Attorney; and

WHEREAS, in 2012 under AB12-062, the City Council approved the creation of an Employee Recognition for Outstanding Performance Plan, which Plan was funded with savings from the renegotiation of the City Attorney contract and which Plan would not otherwise exist; and

WHEREAS, in order to clarify each of these various roles and responsibilities, the City Council wishes to make certain minor modifications to Chapter 2.10 of the NBMC; and

WHEREAS, the City Council specifically declares its intent that this ordinance have retroactive effect and that it shall be deemed to have been effective and in place since April 3, 2012;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC 2.10.020, Appointment: North Bend Municipal Code Section 2.10.020 (Appointment) is hereby amended to read as follows:

The mayor shall appoint a duly qualified attorney at law to the office of city attorney. The appointment of the city attorney shall be confirmed by majority vote of the council. In addition to the city attorney, the mayor may appoint other qualified and licensed attorneys at law, including other city employees who are also qualified and licensed attorneys at law, to perform other legal services on behalf of the city.

Section 2. NBMC 2.10.030, Duties: North Bend Municipal Code Section 2.10.030 (Duties) is hereby amended to read as follows:

The city attorney is an executive officer who shall advise the city as to legal matters pertaining to city business. He shall conduct legal proceedings on behalf of the city and perform such other duties in the legal field as the mayor may direct.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 8TH DAY OF DECEMBER, 2015.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: December 16, 2015
Effective: December 21, 2015

Susie Oppedal, City Clerk